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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,585	03/25/2004	Rhonda L. Childress	AUS920040120US1	7113
35525 7590 09/11/2007 IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			EXAMINER PAUL, DISLER	
			ART UNIT 2615	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/809,585	<b>Applicant(s)</b> CHILDRESS ET AL.	
	<b>Examiner</b> Disler Paul	<b>Art Unit</b> 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2,4-5;7; 9-10;12-16,18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen (US 6,349,223 B1).

Re claim 1, Chen disclosed a method for managing an audio system volume in a vehicle (fig.2; col.1 line 1-13), the method comprising: detecting a radio frequency transmission having a selected frequency through a sensor (col.2 line 55-67; col.3 line 45-62; fig.3-5/waveform frequency may be detected), wherein the selected frequency is indicative of a call for a mobile telecommunications device within the vehicle and responsive to detecting the radio frequency transmission, reducing the audio system volume, until an absence of the radio frequency transmission occurs indicating that the call has terminated (col.2 line 35-42; fig.2,col.2 line 47-52/incoming phone calls and cut-off of phone calls are being operated with system to adjust accordingly to the operation).

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Re claim 2, the method of claim 1, wherein the mobile telecommunications device is a global system for a mobile communications phone (col.1 line 33-37/universal system implemented).

Re claim 4, the method of claim 1, wherein the audio system volume is reduced to zero decibels (col.2 line 40-41; col.4 line 9-11/audio system may be muted or cut off).

Re claim 5, the method of claim 1, wherein the audio system volume is reduced to a preselected volume (col. 4 line 9-10/beforehand the system may be either muted or cut off completely).

Re claim 7, the method of claim 1, wherein the vehicle is an automobile (fig.2; col.1 line 55-57/system to be used in a vehicle).

Re claim 9 has been analyzed and rejected with respect to claim 1 above.

Re claim 10, the method of claim 9, wherein the another radio frequency transmission is a request by the mobile telecommunications device to disconnect the call (fig.3-5; col.2 line 55 up to col.3 line 3/signals may be received for detecting incoming and cut-off phone calls).

Re claim 12 has been analyzed and rejected with respect to claim 5.

Re claim 13, the method of claim 12, wherein the preselected volume is used or configured (col.4 line 9-10/audio system may be muted).

Re claim 14, Chen disclose of an apparatus for controlling an audio system volume (fig.2), the apparatus comprising: a radio unit (fig.2 (4); a sensor (fig.2 (5)/sense incoming and cut-off calls);; and a controller connected to the radio unit and the sensor (fig.2 (5,2,4), wherein the controller sends a signal to the radio unit to reduce volume when an indication is received from the sensor that a radio frequency signal for a mobile phone has been detected and the volume remains reduced until the radio frequency signal is absent indicating that the call has terminated (col.2 line 35-42; fig.2,col.2 line 47-52).

Re claim 15, a data processing system for managing an audio system volume in a vehicle (fig.2,7), the data processing system comprising: detecting means for detecting a radio frequency transmission having a selected frequency through a sensor (fig.2 (5)/phone embedded wt sensor to detect frequency), wherein the selected frequency is indicative of a call for a mobile

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telecommunications device within the vehicle; and reducing means, responsive to detecting the radio frequency transmission, for reducing the audio system volume, until an absence of the radio frequency transmission occurs indicating that the call has terminated (col.2 line 35-42; fig.2,col.2 line 47-52).

Re claim 16 has been analyzed and rejected with respect to claim 2.

Re claim 18, the data processing system of 15, wherein the data processing system is a computing platform for a vehicle (fig.2,7/ to be used in vehicle).

Re claims 19-20 have been analyzed and rejected with respect to claims 12-13 respectively.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (US 6,349,223 B1) and further in view of Kinzalow et al. (US 6,052,603).

Re claim 6, the method of claim 1 with a sensor (fig.2 (5/phone with sensor incorporated)), However, Chen is silent in regard wherein the sensor is an antenna configured to detect radio frequency signals, However, Kinzalow et al. did specifically disclose of a system with a sensor being an antenna configured to detect radio frequency signals (fig.3 wt (14,26,18); col.2 line 55-56) for the purpose of reproducing radio frequency signals over the speaker audio system, thus taking the combined teaching of Chen and Kinzalow et al. as a whole, it would have been obvious for one of the ordinary skill in the art to have incorporated such the limitation by having a system with a sensor being an antenna configured to detect radio frequency signals for the purpose of reproducing radio frequency signals over the speaker audio system.

5. Claims 3,17,11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (US 6,349,223 B1) and further in view of Official Notice.

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RE claim 3, Chen disclose of the method of claim 1, wherein the incoming phone calls and selected frequency are being transmitted over the radio system (fig.7; col.3 line 50-60; col.1 line 5-15), However, chen fail to disclose of the specific of wherein the selected frequency has a range from about 890 MHz to about 960 MHz. However, official notice is taken that the concept of transmitting such selected frequency in the range of 890 MHz to about 960 MHz is commonly known in the art, thus it would have been obvious for one of the ordinary skill in the art at the time of the invention to have incorporated the specific of transmitting such selected frequency in the range of 890 MHz to about 960 MHz for the purpose of reproducing the incoming phone calls of the audio signals over the radio system speakers.

Re claim 17 has been analyzed and rejected with respect to claim 3.

Re claim 11, Chen disclose the method of claim 9 with transmitting radio frequency signals in the form of audio signals (fig.2, col.1 line 5-12), However, Chen fail to disclose the specific of having the radio frequency transmission is a paging message transmitted to the mobile telecommunications device. However, official notice is taken the concept of transmitting the radio frequency in the form of paging messages over the phone device is commonly known in the art and further the system would have compatible to implement such



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feature since text messages and voice messages are both can be transmitted by the same means of radio frequency with the same protocol which is incorporated in chen system, thus it would have been obvious for one of the ordinary skill in the art at the time of the invention to have incorporated the transmitting the radio frequency in the form of paging messages over the phone device for the purpose of providing additional and non-audible means of communicating.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (US 6,349,223 B1) and further in view of Nguyen et al. (2004/0078104 A1).

Re claim 8, the method of claim 5, However, chen fail to disclose of the wherein the preselected volume is user configurable. However, Nguyen et al. disclose of having a system wherein the preselected volume is user configurable (fig.1 (104; page 2[0033] line 7-10; page 5[0071]) for the purpose of allowing the user to hear the caller and yet continue enjoying the audio sound system at the same time. Thus, taking the combined teaching of chen and now Nguyen et al. as a whole, it would have been obvious at the time of the invention to have incorporated the having a system wherein the preselected volume is user configurable for the purpose of allowing the user to hear the

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caller and yet continue enjoying the audio sound system at the same time.


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Disler Paul whose telephone number is 571-270-1187. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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